UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.45
1 May 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 April 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CANADA

STATEMENT BY THE MINISTER OF IMMIGRANT ABSORPTION OF ISRAEL

SPECIFIC GROUPS AND INDIVIDUALS

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

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GE.00-12847 (E)

The meeting was called to order at 10 05 a m

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CANADA

1 Mr AXWORTHY (Canada), recalling that the Charter of the United Nations was written in the name of "we the peoples", said that the Commission should encourage every part of the Organization to view its mandate from a more people-centred perspective, with a view to achieving universal respect for human rights During its current monthly presidency of the Security Council, his delegation was accordingly seeking to promote human security The protection of civilians had already been made an explicit part of United Nations operations in Sierra Leone and East Timor, and child protection advisors and human rights units were regularly involved in all peacekeeping missions

2 It was clear, however, that the Security Council was often constrained by political pressures It had failed, for example, to lend its support to peace efforts in the Sudan The Commission on Human Rights should take a firm stand by expressing the international community's deep concern at the serious violations of human rights and humanitarian law occurring as a result of the conflict there In that connection, his Government strongly welcomed the High Commissioner's decision to investigate the possibility of establishing a human rights field office in the Sudan

3 To ensure that there was no impunity for human rights violations in the Sudan, any efforts the Commission might make should also be complemented by action at other levels, inter alia by the Bretton Woods institutions and the Inter-Governmental Authority on Development (IGAD) Indeed, the Security Council's shortcomings underlined the importance of strengthening other tools His Government thus looked forward, also, to an early ratification of the Statute of the International Criminal Court

4 In Chechnya, an independent commission of inquiry should be established, since human security in that troubled region would not be restored without an open, inclusive and comprehensive investigation of the allegations by all sides In Sierra Leone, the international community was faced with the dual challenge of addressing impunity for gross human rights abuses and providing support for the peace accords His own Government, for its part, had pledged financial support for the creation of a truth and reconciliation commission in Sierra Leone

5 Constructive dialogue with the Commission and its human rights mechanisms was vital to the credibility of the United Nations, and was especially important when Governments denied the existence of problems or challenged the Commission's authority to consider particular situations The international community must be allowed to address human rights abuses anywhere

6 The promotion of human rights required much more than public expressions of concern, it required concrete measures to build a sustainable human rights capacity His Government was accordingly in the process of establishing a human security fund, namely a US$ 10 million annual programme to help countries monitor national human rights mechanisms Convinced of

the indivisibility of human rights and of the importance of the right to development. Canada would continue to play a leading role in debt relief and poverty reduction for the poorest countries.

7. All too often, people were marginalized from decision-making, denied basic essentials and services, or became targets of hate because they spoke another language, practised a different religion, or had a different sexual orientation. The international community must pay greater attention to groups that were more susceptible to human rights abuses, hence the importance of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

8. Protection of the rights of the child at the national and international levels was a key priority on his Government's human security agenda. It looked forward in that connection to an early entry into force of the two optional protocols to the Convention on the Rights of the Child. Together with the Foreign Minister of Ghana, he would personally be hosting a conference later that month in Accra to catalyse initiatives on children in armed conflict in West Africa. Canada would also be hosting an international conference on war-affected children in September of the current year.

9. In respect of other areas of concern, his delegation was proud to have been one of the initiators of the Declaration on human rights defenders and he urged the Commission to support the creation of a mechanism to ensure that human rights defenders were defended when prevented from speaking out in defence of others.

10. Although the human rights of women were firmly on the Commission's agenda, there was still a long way to go before they were fully integrated into United Nations policy and practice in every field of endeavour.

11. His Government remained committed to the adoption of a strong and effective declaration on the rights of indigenous people and supported the creation of a permanent forum for indigenous people in the United Nations. In view of its own past neglect of indigenous issues, Canada was addressing its own situation, inter alia, through efforts to strengthen aboriginal governance, to renew partnerships and to support more self-sufficient aboriginal communities.

12. Indeed, the ultimate obligation for respecting human rights rested with the Member States. Frank debate within the Commission required that countries also examine their own national situations. Canadians attached great importance to continued membership in the Commission and were proud of their democratic and human rights institutions, multicultural society and traditions of peace and good governance. No State was perfect, hence the importance of reviewing the progress achieved and identifying the challenges ahead. Such was the role of the Commission.

13. For his own part, he had helped to make human security a cornerstone of Canada's foreign policy. Human security depended on respect for human rights, which called for an active and responsive Commission on Human Rights. His Government remained committed to the objective of serving the needs of "we the peoples".

STATEMENT BY THE MINISTER OF IMMIGRANT ABSORPTION OF ISRAEL

14. Mrs. TAMIR (Israel) said that Israel, which currently had a population of 6 million, had absorbed more than a million people from all over the world in the last 10 years. The forthcoming Passover was a reminder that, in the Jewish tradition, the entry into the land of Israel represented both salvation and personal and political liberation. It was in that tradition that Israel had taken the unusual step of granting automatic citizenship, along with full political and welfare rights, to Jewish immigrants. Under the Law of Return, all Jews and their families who applied for citizenship received equal treatment regardless of age, race, gender, state of health or economic status. Few countries, including ones more affluent than Israel, were prepared to offer such rights to immigrants, particularly to immigrants who were often in dire need.

15. Yet the Law of Return affected not only would-be immigrants but also Israeli citizens. By giving priority to Jews, the Law put Palestinian citizens of Israel in an inferior position. The policy was justified, however, firstly because Israel would acknowledge Palestinians' right to enact a similar law of return whenever the Palestinian state was established, so that the needs of Palestinians' everywhere could be met; and, secondly, because, apart from the Law of Return, Israel aspired to treat all its citizens equally, with no privileges for Jews over non-Jews and equal rights and responsibilities for all.

16. The Middle East was not yet able to transcend the age of nation States, but at least the States concerned could aspire to live in peace with each other, respecting the rights of all their citizens. Israel would not rest until that goal was attained.

SPECIFIC GROUPS AND INDIVIDUALS:

(a) MIGRANT WORKERS

(b) MINORITIES

(c) MASS EXODUSES AND DISPLACED PERSONS

(d) OTHER VULNERABLE GROUPS AND INDIVIDUALS

(agenda item 14) (E/CN.4/2000/76-79, 80 and Add.1, 81, 82, 83 and Add.1 and 2 and 138; E/CN.4/2000/NGO/15, 22, 31, 47 and 58; E/CN.5/2000/3; A/54/303 and 348; E/CN.4/Sub.2/1999/21)

17. Ms. RODRIGUEZ PIZARRO (Special Rapporteur on the human rights of migrants), introducing her first report (E/CN.4/2000/82), said that it was a provisional one based on communications from Governments, previous resolutions, conclusions of the working group of intergovernmental experts on the human rights of migrants, information from networks of non-governmental organizations (NGOs), correspondence with migrants and the documents and correspondence of intergovernmental bodies and agencies of the United Nations system.

18. States, international organizations and civil society had a shared responsibility for the protection of the human rights of migrants. Her mandate necessitated cooperation among the partners at all levels, as well as the active participation of the migrants themselves. The report

touched upon the issue of devising a working definition of a migrant, which would cover migrants in irregular situations, victims of trafficking, and other non-nationals exposed to discrimination.

19. It was a fact that the human rights of migrants were violated throughout the world and States must take steps to empower migrants by giving them the skills and protection they needed. It was also essential that potential migrants be provided with information on migration policies and mechanisms, so that they might be aware of their rights and duties. Migrant women, especially female domestic workers, were particularly susceptible to trafficking and sexual exploitation, as were children.

20. Such considerations were reflected in her plan of action. She proposed a number of country missions as well as the establishment of a documentation centre, which would receive individual communications regarding violations of the human rights of migrants. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families should be encouraged and prominence should be given to migrant issues at the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

21. Mr. DENG (Representative of the Secretary-General on internally displaced persons), introducing his report (E/CN.4/2000/83), said that it highlighted the progress made by the international community in addressing the global crisis of internal displacement and underscored the challenges that still remained in respect of the development of an effective and comprehensive system of protection and assistance. Although the gravity of needs might differ between regions, serious denials of protection and assistance were common to all the world's 20 to 25 million internally displaced people. Apart from physical insecurity and persecution, they were typically deprived of adequate shelter, food, safe water, medicine and education.

22. The causes of internal displacement were typically associated with acute crises of national identity which resulted in a vacuum of responsibility. Although some authorities did their best with limited resources, many Governments and non-State actors in conflict situations lacked either the capacity or the political will to assist internally displaced persons. Such persons had nowhere to turn but to the international community. States must meet the minimum standards of responsibility for the security and general welfare of all persons under their jurisdiction, or else risk external scrutiny and involvement.

23. One of the most significant accomplishments of his mandate had been the development of the "Guiding Principles on Internal Displacement". Although not binding, they were based on existing norms of human rights and humanitarian law. He was pleased to report that they had met with wide acceptance from the international community and the Inter-Agency Standing Committee and that they had also aroused interest at the regional level. His office had prepared a Handbook to assist international organizations and NGOs in applying the Principles, as well as a Manual on Field Practice in Internal Displacement.

24. Despite the considerable progress made by the international community in developing collaborative institutional responses to crises, the internally displaced remained in an anomalous situation. His own role, was primarily catalytic, one example being his recent mission to

Burundi to engage in dialogue with the Government on the issue of forced relocation (regroupement), and to urge dismantling of the camps. The mission had made considerable progress towards that objective. At the request of the Emergency Relief Coordinator, he would also be undertaking a mission to Angola as a follow up to her visit. Resources for that purpose were urgently required.

25. Country missions provided the litmus test for the effectiveness of international collaboration in bringing relief to internally displaced persons. Thus far, 16 such missions had been undertaken, and the report also dealt with future missions. Unless such visits resulted in a visible improvement of conditions, however, they only raised hopes which, being dashed, could degenerate into despair and loss of faith in the United Nations and the international community.

26. Mr. LINDQVIST (Special Rapporteur on disability of the Commission for Social Development), presenting his report (E/CN.5/2000/3), said that the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities were being widely used by Governments and NGOs. There had been improvements in policy development in many countries. Yet, for the vast majority of the more than 500 million people in the world with disabilities, living conditions were still bad. That applied particularly to women, children and those with developmental and psychiatric disabilities.

27. In his renewed mandate, he would further develop his proposals for integrating permanent monitoring mechanisms into the Standard Rules, address the shortcomings in the text of the Rules and enhance the involvement of United Nations agencies, inter alia, in their implementation worldwide.

28. With regard to human rights and disability, he thought that the adoption of Commission on Human Rights resolution 1998/31 had been an excellent beginning. The question was how to ensure that the important issues were covered in the various monitoring and reporting processes and indeed whether the existing system was an adequate one. If the system needed developing, he wondered whether it would be best to issue guidelines in the form of general comments, to elaborate additional protocols to the main instruments, or to draft a special convention on the rights of persons with disabilities. The establishment of a post of disability ombudsman in the Office of the High Commissioner for Human Rights (OHCHR) or, alternatively, a temporary position of special rapporteur was also being discussed among the disability organizations.

29. The question of a convention represented a crossroads, and the Commission would need to consider the various options available. At any rate, it was important to continue with a broad debate on disability and human rights, perhaps in the form of a special dialogue at the Commission's fifty-seventh session, or an international conference. Whatever form of action the Commission chose, he was ready to assist.

30. Mr. CYPRIAN (Pakistan) said that his country's Constitution affirmed the individual's freedom to profess and practise his or her religion. Indeed, the Chief Executive of Pakistan had appointed him, a Roman Catholic, Federal Minister for Minorities, thereby demonstrating a commitment to the tolerance taught by Islam and to respect for minority rights. Churches and

religious schools of all denominations were free to operate and all religions were practised openly. The Government gave a high priority to interfaith understanding and the eradication of all forms of discrimination.

31. On the question of Pakistan's Blasphemy Law, he said that its purpose was to preserve harmony by discouraging sacrilege by followers of one faith against the prophets or holy places of another. All the much-publicized cases apparently arising from the Law had proved to be abuses of the Law to settle personal vendettas. His Government had taken administrative measures to eliminate such abuses and no such cases had been reported since it took office.

32. As part of the plan for the devolution of power, seats in elected bodies at various levels were reserved for minority groups and, more specifically, also for women from minority groups. In that way the underprivileged and minorities would be empowered and involved in public life.

33. The Government had organized a Pakistan Convention on Human Rights and Human Dignity, which was to be held shortly in Islamabad. There, a working group made up of representatives of minorities would plan courses of action for the Government in the areas of the protection and promotion of minority rights and welfare. Pakistan was thus working for equal opportunities and a harmonious and tolerant society in which all its citizens could enjoy their rights.

34. Ms. RUBIN (United States of America) said that to exclude people rather than accept their differences was to strip them of their self-respect - to deny them their dignity. Every day, gays and lesbians throughout the world - including the United States - faced discrimination and even death. Nothing in international law justified such persecution. She paid tribute to the Special Rapporteur on extrajudicial, summary or arbitrary executions, who had highlighted violations of the right to life on the basis of sexual orientation.

35. A number of countries deserved recognition for their lead in outlawing such discrimination, from the Nordic countries to South Africa, Ecuador to New Zealand. In the United States, federal civilian employees were protected by Executive Order from discrimination on the basis of sexual orientation, and fear of persecution for sexual orientation had been recognized in some cases as grounds for granting asylum.

36. Dignity should likewise be a consideration in the promotion and protection of the rights of other groups such as older people, children sold into debt bondage or sexual slavery, and women coping with domestic violence. Perhaps the most vulnerable were those with mental disabilities, including the mentally ill, all too often treated as outcasts rather than patients. Mental illness was a medical problem, not a character flaw, and needed to be talked about as openly as other health issues.

37. Mr. FERRER RODRIGUEZ (Cuba) said that discrimination against migrants was one of the worst forms of contemporary racism. It was regrettable that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had still not received the 20 ratifications required for it to enter into force. Of even greater concern was the fact that not one of the developed countries which were hosts to tens of millions of migrant workers had signed the Convention.

38. The translation of xenophobic discourse into anti-immigration legislation, particularly in the United States, deserved the opprobrium of the international community. There were 10,000 officials deployed along the southern border of the United States - three times as many as in 1994 - and immigrants were forced to use dangerous desert or mountain crossings. In January 2000 alone, 63 people had died. The repressive nature of those operations was demonstrated by the fact that, in that same month, the Immigration and Naturalization Service had employed more armed agents than any other federal agency.

39. At the same time, a recent United States Government report had revealed that 50,000 women and children a year were taken to the United States to work in conditions of slavery, including sexual slavery. The authorities had not taken action against such trafficking rings, for current legislation was incapable of addressing the problem.

40. Whereas Cuba, in order to ensure safe emigration for those who desired to leave, had signed a number of migration agreements with the United States, the United States itself had in 1996 passed an Act granting immediate legal residence and employment status to any Cuban who arrived on United States soil by any means whatsoever, including illegal or violent means. That Act encouraged trafficking operations from United States territory, yet no traffickers had been brought to book. His Government asked the United States Government to prosecute such traffickers and also to accept Cuba's offer to extradite 60 traffickers detained in Cuba for offences committed mainly on United States territory.

41. Lastly, he called for greater attention to be paid by the international community to the problem of the Roma in the Czech Republic. They had been compelled to seek asylum in increasing numbers in other European countries as a result of a trend towards apartheid-like discrimination.

42. Mr. LOUM (Senegal) said that migrant workers were subject to numerous human rights violations, despite the many initiatives and international instruments designed to protect them. Such initiatives could succeed only if there was a universal desire to recognize the right of migrants to peace, security and dignity. The growing number of female migrant workers and the fact that migrants were more vulnerable to trafficking in persons, prostitution and crime demanded concerted action. The difficulty of finding a universally acceptable definition of the concept of a migrant was no justification for denying the inalienable right of human beings, whether nationals or non-nationals, to a peaceful existence.

43. His Government recognized that each State had the sovereign right to define its own immigration policy but it also believed that the time had come to adopt an approach that would end migrants' marginalization, social exclusion and ill-treatment. The problem must be addressed at the national, regional and international levels and required vigilance, courage and self-sacrifice in the face of racist and xenophobic beliefs. It was to be hoped that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would adopt some important decisions on the issue. His own delegation would work tirelessly to promote the ideal of justice, equity and solidarity.

44. Mr. GARCIA GONZALEZ (El Salvador), having noted with satisfaction the appointment of a Special Rapporteur on the human rights of migrants, said that his Government

attached great importance to the issue of migrants and was convinced of the importance of the role played by the international community, particularly the Commission on Human Rights, in the protection and promotion of the human rights of migrants and members of their families.

45. In its programme of work for 1999-2004 entitled the New Alliance, it focused on the need more actively to promote the rights of migrant workers and their families, pursuant to the domestic legislation in force, the relevant international conventions and United Nations system resolutions. Legislation was currently being updated with a view to consolidating all the various factors in a single instrument. Consideration was being given to the possibility of classifying immigrants, with a view to meeting their specific needs and requirements.

46. Steps were being taken to accelerate the process of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In February 2000, El Salvador had hosted an international seminar on migrant women and children, which had been attended by representatives of all 11 members of the Puebla Process, NGOs and representatives of civil society. The main aim of the seminar had been to discuss the situation of migrant women and children, in Central America in particular, and possible actions to benefit those social groups. The Government was currently considering the establishment of a department for the defence of emigrant workers' rights, members of which would be assigned to Salvadoran diplomatic missions with a view to assisting Salvadorans resident abroad.

47. Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Latin American and Caribbean Group, reminded the Commission of the mandate of the Special Rapporteur on the human rights of migrants, as set out in resolution 1999/44, and the request contained in that resolution to all Governments to cooperate fully with the Special Rapporteur. Migrants were a highly vulnerable group which merited the special attention of the international community and the Commission. The human rights of migrant workers were not guaranteed, and some States had even passed legislation restricting their enjoyment of the most basic rights. International migration was a complex and growing phenomenon involving nearly every country in the world, which would only increase with globalization and open markets. There were currently more than 120 million migrants, some 40 per cent of whom were illegal immigrants. The States in the Group he was representing had extensive experience of migration, and devoted particular attention to the situation and human rights of migrants.

48. The Declaration of the fifth Regional Conference on Migration, within the context of the Puebla Process, had condemned violations of the human rights of migrants, regardless of their immigration status, and reaffirmed the commitment of participants to combat hostile attitudes towards and discrimination and abuse against migrants as well as criminal activity related to traffic in migrants. In July 1999, 11 South American countries had signed the Lima Declaration stating that the rights of migrants were a basic concern of the countries in the region.

49. The countries he was representing were particularly concerned about the issue of family reunification: the situation of migrant workers being severely aggravated when they could not have their family members with them. He appealed to States hosting large numbers of migrant workers to take the steps necessary to guarantee family reunification for migrant workers and

enable them to enjoy the right to be with their families. He hoped that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would consider the issue of migration.

50. An important recent development for the region had been the Advisory Opinion of the Interamerican Court of Human Rights confirming the validity and applicability of article 36 of the Vienna Convention on Consular Relations. That Opinion could help to provide improved protection for the human rights of millions of migrants. He appealed to all States, whether or not they were parties to the Vienna Convention, to examine the Court's ruling and to abide by the basic principle it embodied.

51. The Group he represented recognized the efforts made by States that had taken measures to improve the economic, social, cultural and political conditions of migrants. It had also noted with satisfaction the multilateral initiatives designed to protect the human rights of that vulnerable group, including the resolutions adopted by the Commission. It welcomed the first report submitted by the Special Rapporteur on the human rights of migrants (E/CN.4/2000/82), noted her plan of action and recommendations, and was following her work with interest. The Group supported the establishment of a mechanism for the promotion and protection of the human rights of migrants, and hoped that the Commission would adopt a resolution on the subject by consensus.

52. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that his Government recognized the important and enriching contribution which migrants had made to the country. A large proportion of the population was of immigrant origin, and the different races, nationalities and cultures were well integrated into Venezuelan society. The Constitution guaranteed equal human rights for Venezuelans and the nationals of other countries. Under the new Constitution, dual nationality was permitted in recognition of the links of many citizens with other countries. Further measures were being adopted to promote an even greater integration of migrants and to ease restrictions on visas and work permits for migrants and their families.

53. His Government hoped that other States would treat migrants of Venezuelan origin equally well and was endeavouring to conclude bilateral and regional agreements on the topic. Host countries did not have sole responsibility for the protection of the human rights of migrants. The countries through which a migrant passed on his way to his ultimate destination also had responsibilities. Bilateral, regional and multilateral cooperation, supported by the international community, was therefore essential. He noted with satisfaction, therefore, the Special Rapporteur's intention to focus on cooperation and adopt a holistic approach to the issue.

54. Venezuela subscribed to the principle of international protection for internally displaced persons, which was supported by the international community. It had hosted, and provided all possible humanitarian assistance for, various groups of displaced persons in transit from Colombia. Subsequent to that experience, his Government had attempted to establish flexible and efficient mechanisms to assist such persons. As the United Nations High Commissioner for Refugees (UNHCR) had recognized, his Government had always allowed her representatives to visit border areas used by flows of Colombian displaced persons in transit.

55. Mr. REYES RODRÍGUEZ (Colombia), speaking on a point of order, asked whether it was procedurally correct for the representative of Venezuela to have made a statement on behalf of the Latin American and Caribbean Group and then to have continued immediately with a statement on behalf of his country alone.

56. Mrs. IZE-CHARRIN (Secretary of the Commission) said that two options were available to a delegation speaking on behalf of a group of countries and also on its own behalf: it could request two separate entries on the speakers' list or - as the Venezuelan delegation had done - it could ask that its own statement should follow immediately after the group statement.

57. Mr. GUILLEN BEKER (Peru), having endorsed the statement by the representative of Venezuela on behalf of the Latin American and Caribbean Group, said that, in his report (E/CN.4/2000/83), the Representative of the Secretary-General on internally displaced persons had rightly stated that protecting and assisting persons who remained within the borders of their own State was a sensitive and challenging issue, for which no easy and ready-made international strategies existed. Clearly-defined mechanisms existed for the protection of refugees but there was no comparable legal and institutional regime applicable to the 25 million displaced persons.

58. The formulation of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) had therefore been essential. They established that, while primary responsibility for the provision of humanitarian assistance lay with the national authorities, international humanitarian organizations and other appropriate actors had the right to offer their services, offers that should not be regarded as an unfriendly act or an interference in a State's internal affairs, particularly when the authorities concerned were unable or unwilling to provide the required assistance. It was essential that the United Nations should lay down clear guidelines that recognized both the right to provide humanitarian assistance and respected State sovereignty.

59. A number of the issues raised by internal displacement needed special consideration, one of them being that of internal displacement in areas not under the control of a Government. Because human rights legislation applied only to States, internally displaced persons lacked adequate protection in situations involving internal disturbances when human rights violations were committed by non-State agents.

60. A further important issue was the situation of displaced women and children. In his country's experience, a very high percentage of internally displaced persons were women and children who needed special attention. He was gratified by the Special Rapporteur's acknowledgement of the action to improve the situation of displaced persons in Peru, and reaffirmed his delegation's support for the Special Rapporteur's work.

61. Mr. NEGRIN MUÑOZ (Mexico), having associated his delegation with the statement made by the representative of Venezuela on behalf of the Latin American and Caribbean Group, said that, while States had the sovereign right to define their own policies with regard to migrants, they also had an obligation to guarantee to individuals under their jurisdiction the basic rights recognized by the international human rights instruments. His delegation was thus very concerned at the growing number of acts of violence against migrants and the increasing traffic in illegal migrants.

62. He wished to underline three aspects of the mandate of the Special Rapporteur on the human rights of migrants: the duty to request from Governments information on violations of the human rights of migrants, the duty to request and receive information from migrants themselves and the duty to visit countries where the human rights of migrants were at risk. He welcomed the Special Rapporteur's plan of action and recommendations, recognizing that they complemented the aspects of her mandate to which he had already referred, which were also recognized in General Assembly resolution 54/166.

63. His delegation intended to sponsor a draft resolution on the human rights of migrants based on the principles of resolution 1999/44 and incorporating elements of General Assembly resolution 54/166. In response to a request from the Steering Committee of the Global Campaign for Ratification of the International Convention, supported by 51 NGOs, his delegation had incorporated in the draft resolution a paragraph recommending that 18 December should be declared international migrants' day. Such a day would help to increase awareness of the need to promote and protect the rights of that vulnerable group. His delegation would also present a second draft resolution appealing to States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

64. Mr. LI Baodong (China) said that his was a unified, multi-ethnic country, with 55 ethnic minorities constituting 8.98 per cent of the population. It was government policy to treat all minorities as equals; indeed, minorities had some exclusive rights of their own. The latest sessions of the National People's Congress and the Chinese People's Political Consultative Conference had had a higher proportion of ethnic minorities than existed in the country at large.

65. There were autonomous governments, dealing with economic affairs, education, culture, science and technology, in areas where minorities were concentrated. There were 5 autonomous regions, over 30 autonomous prefectures and 120 autonomous counties. The Chairman or Vice-Chairman of the People's Congress of an autonomous area had to belong to the minority concerned. The autonomous governments were permitted to be flexible in implementing decisions from higher government organs that they deemed inappropriate to their areas.

66. Minority languages had equal status in courts of law. The religious beliefs, customs and languages of minorities were legally protected. The policy of freedom of belief was demonstrated by the fact that there were over 18 million Muslims and over 30,000 mosques in the country; in Xinjiang alone, there were 20,000 mosques and 8.1 million Muslims, or 56.3 per cent of the total population. In Tibet there were 1,700 Buddhist sites and 46,000 resident monks and nuns.

67. Autonomous regions were supported with capital and technology for economic development and social progress. In Tibet, for example, the Government allocated Y3 billion a year. In 1999, the gross domestic product (GDP) of the Tibetan Autonomous Region had amounted to Y10.3 billion, an increase of 9.1 per cent, giving the region a higher than average growth rate.

68. Governments were duty-bound to take steps to ensure the freedom of their ethnic minorities, but different histories and stages of development should be taken into account. While internationally recognized human rights norms should be respected, therefore, States should

adopt the measures appropriate to their countries. The issue of ethnic minorities was always complex and sensitive. States should therefore cooperate with one another. Splitting sovereign States, or embarking on armed intervention in another country on the pretext of aiding ethnic minorities, was quite unacceptable.

69. Instead of politicizing minority rights and employing double standards, the United States of America and Western European countries should put more effort into protecting minority rights in their own countries. In the United States, only 15.3 per cent of whites lived below the poverty line, whereas the corresponding percentages for Mexican Americans and blacks were 45.7 and 42.5. White supremacist organizations opposed blacks, Jews and Asians, there had been terrible killings. Migrant workers' rights were violated in many European countries. They should therefore discard their arrogant and prejudiced attitudes and resolve to take practical measures to defend the rights of their minorities.

70. Mr. GUSEV (Russian Federation) said that the problem of minorities was too acute to be subjected to pious platitudes. Too many humiliations, wars and sufferings had been brought about by lack of respect for other peoples' beliefs or cultures. A range of international instruments, beginning with the Universal Declaration of Human Rights, emphasized that all were born equal in dignity and rights. The Secretary-General's report (E/CN.4/2000/79) and the report of the Working Group on Minorities (E/CN.4/Sub.2/1999/21) showed that real progress had been made in implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Indeed, the Working Group's own efforts had become a significant element in establishing universally accepted standards for promoting minority rights. Its scope should be extended to educating NGOs on how to protect minority rights. The proposal that the Working Group should inspect countries where there was cause for concern should be implemented.

71. His delegation called for increased international cooperation on minority rights. In Russia, much was being done at the national level, as might be expected in a country comprising over 170 peoples belonging to over 60 religious denominations. The Government had lately been concerned with two related issues: the need to stand up to aggressive nationalism and extremism and, at the same time, to encourage minorities to cultivate their own identity and participate in decision-making. In that context, he drew attention to the adoption two weeks previously of the Federal Programme for the formation of conditions of tolerance and understanding and the prevention of extremism in Russian society and the adoption in January 2000 of the Concept on opposing political and religious extremism.

72. He drew attention to the increasing problems suffered by Russians in nearly all the countries of the former Soviet Union, particularly in Latvia and Estonia. In the former, there was a situation of mass statelessness: in the heart of Europe, almost a million people belonging to ethnic minorities were denied citizenship. At the current rate of naturalization, it would take 50 years to extend citizenship to what amounted to a third of the population. The authorities were clearly unwilling to resolve the problem. Only a week earlier, the Latvian Parliament had rejected a proposal to give non-citizens the right to participate in local government elections, as recommended by international experts. The authorities paid lip service to such

recommendations, but there were no moves towards integration and the Russian-speaking population continued to suffer discrimination. Human rights defenders who drew attention to the situation were persecuted.

73. In Estonia, some improvements had occurred but the situation of minorities - not only Russians - failed to meet international standards, as pointed out not only by local human rights defenders but in the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/56/Misc.40/Rev.3). The Committee had noted the effects of not granting citizenship and having up to 10 categories of resident who did not enjoy equal political, social or economic rights. The problem was exacerbated by the parlous situation of Russian-language education. It was also appalling that war pensioners, who had lived in Estonia for the past 40 to 50 years, did not have the right to a regular income, while the situation of widows of members of the armed forces was seen as constituting a threat to the security of the Estonian State.

74. It was surprising that the international community - and especially the European Union, which Estonia and Latvia aspired to join - had failed to react to the dangerous trends in those countries. There seemed to be a reluctance to see the reality for what it was. He hoped that it could not be that Russians were considered second-class people. It was high time that the international organizations explained in simple terms to the authorities in Latvia and Estonia that human rights must be observed.

75. Mr. MAJDI (Morocco) said that post-war immigration had started because of a labour shortage in Europe and had increased in tandem with economic growth and decolonization. The authorities had had an open-door policy, since immigrant workers benefited the labour market and relieved social pressures. That policy had, however, ended in the 1970s and immigrants had then been encouraged to return home and accused of being responsible for all the ills in their adopted societies. The issue had been taken up by some right-wing parties, which sought to feed the prejudices of the electorate. Such attitudes had led to acts of aggression against innocent people. Aggressors even felt that, in abusing an immigrant, they were performing a civic duty. As often as not, the authorities turned a blind eye.

76. It required only one isolated act by an immigrant - or one attributed to him - to set off a wave of hatred against a whole community. In February 2000, for example, a mentally unbalanced person of Moroccan origin had, most regrettably, killed a Spanish woman. That had sparked off three days of violence in several towns in southern Spain directed against immigrants from Morocco and other African countries by crowds shouting racist slogans and destroying foreign cars and shops. The Spanish Government had condemned the incident and undertaken to put an end to the social and occupational exclusion of Moroccan workers. His Government trusted that it would stand by its commitments and ensure that the Moroccan community was not again made the scapegoat for domestic political difficulties.

77. Despite useful measures taken in some receiving countries, there was still legal, social and political inequality. Xenophobia and racism continued to increase and discrimination persisted. Various liberal resolutions and recommendations of the European Parliament had not been implemented, while a number of repressive provisions on immigration had been adopted.

The entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families seemed farther away than ever. He urged States to adopt a more positive approach to the matter.

78. Mr. FERRER (Philippines) said that many of the 6 million Filipinos living in almost all the countries of the world had been subjected to violations of their human rights. Some had salaries delayed or withheld. Some were subjected to physical, mental or emotional abuse. Some were asked to do work not mentioned in their contracts. Some were forced to surrender their passports to their employers. Some were sold into slavery or killed or persecuted for their religious beliefs. His country thus had a strong stake in the implementation of the relevant protection measures and called upon all States to ratify or accede to the Convention. His delegation welcomed the first report of the Special Rapporteur on the human rights of migrants (E/CN.4/2000/82) and the Secretary-General's report (E/CN.4/2000/76). His delegation would again be introducing the draft resolution on violence against women migrant workers and sponsoring the draft resolution on the human rights of migrants.

79. Migration was a factor in the incidence of trafficking in persons. There was thus a need to coordinate and even integrate efforts within the United Nations system to prevent the operation of syndicates and transnational organized crime. The machinery for such coordination existed. There should also, however, be an integrated approach at the national, regional and international levels. His Government was carrying out with vigour its mandate under the 1995 Migrant Workers and Filipinos Overseas Act. An office within the Department of Foreign Affairs monitored the situation of, provided legal assistance to and promoted the welfare of Filipino workers worldwide. His delegation had also participated in international symposia and consultations on migration. At the International Migration Policy and Law Course, Philippines interests on issues relating to migration as a global phenomenon had been pursued. Urgent means must be found to strengthen the protection mechanisms accorded to persons working abroad.

80. Mr. GRIBBEN (United States of America) said that there were upwards of 4 million internally displaced persons in the Sudan, more than in any other country of the world. Of those, 40 per cent lived around Khartoum. Although there had been a remarkable improvement in the camps there over the past four years, the number of displaced persons in the country continued to rise. Adding to the numbers were the thousands of residents forcibly removed by the Government from a 50-km area on either side of the pipeline running from the southern Sudan to the Red Sea.

81. The fate of those internally displaced persons - as of those in the Congo, Kosovo, Indonesia and the Caucasus region of Russia - was a source of considerable concern to his Government. Their human rights should be addressed by the United Nations and the international community. One way to do so would be to adopt the recommendations of the Secretary-General's Representative on internally displaced persons, (E/CN.4/2000/83 and Add.1-3).

82. The Commission should also focus on the human rights violations that had caused destruction and disruption within the Sudan. As United States Special Envoy to the Sudan, in meetings with the President, the Minister for Foreign Affairs and several high-level officials, he

had requested that the Government should halt its indiscriminate bombing in the south. On each occasion, he had been told that the targets were military. So far there had been no confirmation that any military targets had been hit. Many civilians, however, had been killed and terrorized. One town in southern Sudan, Lui, had been bombed on four separate occasions in March 2000 alone and once its hospital had been bombed. That could be no accident. In another case 14 children had been killed by a bomb on a school in the Nuba mountains. Yet, despite an apology by the Permanent Representative of the Sudan in Geneva, the bombing continued.

83. To its credit, the Government had established a Committee on the Eradication of the Abduction of Women and Children. Although 800 seized people had been identified, those responsible had not been prosecuted and so there was no deterrent against continuing the practice. The High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Sudan had both noted that slavery persisted.

84. His Government called on the Government of the Sudan to halt immediately and unconditionally all aerial bombardments in the south of the country. As an initial step, he urged the Government to suspend its bombing campaign during the Easter week celebrations, when large crowds were expected to gather. Such a gesture would avoid a potentially significant loss of life among the country's ethnic, religious and linguistic minorities.

85. Mr. GOPINATHAN (India) said that, to make a nation cohesive, the integration of all groups in society was essential. Special attention should therefore be paid to all vulnerable sections of society, particularly minorities. Understanding was needed more than ever before. Concerted action should be taken to promote a culture of tolerance, both nationally and internationally, which was best done through dialogue and empathy. The recrudescence of various forms of bigotry and hatred, aggressive nationalism and narrow chauvinism, was worrying. They carried with them the danger of alienation, leading to militancy and violence.

86. The appropriate response was to be found within a democratic framework, which allowed the establishment of firm foundations of equality and non-discrimination. As an adjunct, a culture of human rights and respect for pluralism should be promoted. Those values should be given a prominent place in the OHCHR work programme and the relevant Commission mechanisms. His delegation was sponsoring a draft resolution entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights" and hoped that it would command overwhelming support.

87. He commended the work of the Working Group on Minorities, which had established itself as a serious forum for the analysis and consideration of constructive solutions to the problems of minorities.

88. There was no single, universally applicable definition of minorities. Linguistic groups, for example, encompassed all segments of society in a particular region, cutting across ethnicities and religions. In India, therefore, minorities were defined principally along religious lines. The Constitution guaranteed freedom of religion and equality of opportunity. All religious denominations enjoyed the right to establish institutions for religious and charitable purposes and to own property. At the same time, in keeping with its secular nature, the Constitution provided that no religious instruction should be provided in any educational

institution wholly maintained out of State funds and that no person attending an educational institution recognized by the State could be compelled to take part in religious instruction without his or her consent.

89. Linguistic minorities, too, had protection under the Constitution and all minorities had the right to educational institutions of their own. The Minorities Commission evaluated development activities in relation to minorities, monitored the workings of the Constitution and examined specific complaints regarding deprivation of the rights of minorities.

90. Nonetheless, isolated incidents involving violence against members of minority communities did, regrettably, occur, although they were generally revealed to be the handiwork of criminal and fringe elements. The Government had repeatedly made clear that it would not tolerate such incidents.

91. There was a growing sentiment that the problem of internally displaced persons was a global issue, affecting a large number of people. The primary duty of protecting such persons belonged to the State concerned. International action should remain within the bounds of the concept of sovereignty, which should not be diluted. Internally displaced persons who lacked legal or institutional protection were found only in countries where there was no effective State machinery. The guiding principles on internally displaced persons were not legally binding but could serve as useful guidelines for States.

92. Within countries, the law of the land should prevail, what was important was to ensure that the law contained a high level of protection for the human rights of all. As for displacement occurring as a result of developmental projects, such decisions were made in democratic societies by the elected representatives of the people. External agencies had no role to play.

93. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the Minister of Immigrant Absorption of Israel had referred to the "right of return" which allowed any Jew, from any part of the world, to enter Israel and be granted citizenship. It was, in other words, an ethnic law, based solely on the Jewish religion. By the same token, however, it prevented Palestinians returning to their homes and recovering property confiscated by the occupying forces of Israel, although that ran counter to international law and the Geneva Conventions. The Minister had been guilty of misrepresentation. Members should read the text of the Law in order to see how it discriminated against Palestinians.

The meeting rose at 1.05 p.m.